

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION

TROY CLAMMON GLASS,)
)
)
Petitioner)
)
)
v.) Case No. 6:11-cv-01178-HGD
)
)
WARDEN WILLIE THOMAS and)
THE ATTORNEY GENERAL)
OF THE STATE OF ALABAMA,)
)
)
Respondents)

ORDER

On February 15, 2013, the magistrate judge's report and recommendation was entered and the parties were allowed therein fourteen (14) days in which to file objections to the recommendations made by the magistrate judge. To date, no objections have been filed by petitioner or respondents.

After careful consideration of the record in this case and the magistrate judge's report and recommendation, the court hereby ADOPTS the report of the magistrate judge. The court further ACCEPTS the recommendations of the magistrate judge that a hearing be held regarding the issues (1) whether petitioner timely advised his counsel to file a notice of appeal; (2) if not, then whether the facts and circumstances

of his plea and sentencing were such that counsel's failure to consult with petitioner about an appeal was ineffective assistance; (3) whether petitioner filed a timely notice of appeal *pro se*; and (4) whether petitioner was made any promises by either the State or his own attorney reflecting the existence of an agreement to impose a particular sentence.

This matter is REFERRED back to the magistrate judge to hold an evidentiary hearing regarding the issues set out above, after which the magistrate judge will enter a supplemental report and recommendation.

DONE this 20th day of March, 2013.



ROBERT B. PROPST
SENIOR UNITED STATES DISTRICT JUDGE